

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 BIB-01 /017 W

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P R 121613Z NOV 76

FM AMCONSUL MUNICH

TO SECSTATE WASHDC PRIORITY 7746

INFO AMEMBASSY BONN

C O N F I D E N T I A L MUNICH 2793

FOLL SENT BONN NOVEMBER 12, 1976 REPEATED TO YOU

QUOTE

C O N F I D E N T I A L MUNICH 2782

FOR PFUNDT AND WILGIS

E.O. 11652: GDS

TAGS: SOPN, PINS, GW, PL

SUBJECT: RELATIONSHIP OF RFE TO USR

REF: (A) STATE 276912: (B) MUNICH 2673

1. PERSONAL CONTACT BETWEEN PUBLIC PROSECUTOR'S OFFICE (PPO) AND RFE/RL LEGAL COUNSEL INDICATE THAT PPO NOW DESIRES TO KNOW ONLY THREE THINGS: (A) LEGAL CORPORATE STATUS OF RFE; (B) ORIGIN OF ITS FUNDS; AND (C) WHO AUDITS USE OF THESE FUNDS. RFE MANAGEMENT BELIEVES REVISED LETTER (REFTEL A) IS MORE THAN RESPONSIVE TO THESE QUESTIONS WITHOUT RPT WITHOUT FINAL PARAGRAPH. EMBASSY AND CONGEN AGREE.

2. PPO HAS EXPLAINED THAT FOR THE PURPOSES OF THE PROSECUTION, ISSUE IS WHETHER USG HAS AN "INTEREST" IN RFE AND NOT RPT NOT WHETHER RFE AND/OR ITS SUCCESSOR CONSTITUTE STATE INSTALLATIONS OF UNITED STATES OF AMERICA.

3. IF RFE/RL LEGAL COUNSEL WERE TO SEND LETTER INCLUDING FINAL PARAGRAPH, HE COULD WELL BE PERCEIVED AS ATTEMPTING
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TO ACT AS SPOKESMAN FOR USG, A ROLE WHICH HE IS

NOT RPT NOT AUTHORIZED TO PLAY.

4. SUPPLY OF RAW DATA ONLY (U.E. PL 93-129 ETC.) WOULD CONSTITUTE NO RPT NO PRECEDENT EITHER IN FRG OR ELSEWHERE. MOREOVER, USG WOULD OBVIOUSLY NOT RPT NOT HAVE TO ACCEPT DECISION OF AN FRG COURT AS A PRECEDENT (CONCRNING RELATIONSHIP OF RFE TO USG) FOR FRG, USG OR THIRD COUNTRIES.

5. IN VIEW OF FOREGOING, CONGEN AND EMBASSY BELIEVE IT WOULD BE INADVISABLE POLITICALLY TO RAISE IN CONTEXT OF THIS CASE ISSUES CONTAINED IN FINAL PARAGRAPH OF REVISED LETTER. END TEXT.BETTS UNQUOTE
BETTS

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NNN

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